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REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the attached Declaration of Ms. Soc Man Ho Kimura and the following remarks.

Claims Status

Claims 1-4, 6 and 10-13 are pending in this Application. No amendments have been made at this time.

Rejection

Claims 1-4, 6, 10 and 12 have been rejected as being anticipated by Arai while Claims 11 and 13 have been rejected as being unpatentable over a combination of Arai and Maeda.

This is the same rejection as contained in the previous Office Action and Applicants had submitted a Declaration to show that the material of Arai, and specifically the material made in accordance with Example 3 of Arai, does not meet the claimed S_B/S_A ratio. Furthermore, Applicants point out that the material

of Example 3 of Arai did not teach the addition of an organic dopant containing chalcogen or nitrogen during nucleus formation or grain growth. In response to Applicant's Declaration, the Examiner had criticized the Declaration on three grounds. Each of these grounds is addressed in the Declaration of Ms. Kimura and will be discussed in detail below.

First, the Examiner took the position that Example 3 of Arai teaches the addition of an organic dopant during either nucleus formation or grain growth. The Examiner took this position because in Column 54 at line 6, Arai teaches adding an organic dopant, tetrazaindene, after the addition of the metal dopants and the metal dopants are added during grain growth.

As brought out in Paragraph 3 of Ms. Kimura's Declaration, she attests to the fact that, as one of skill in the art, the addition of the tetrazaindene dopant is after grain growth. She attests to this fact because the pH adjustment is conventionally done after grain growth not during grain growth. In fact, she points out that the tetrazaindene dopant is added at the same time that the pH is adjusted to 5 as recited in Arai at Column 54, lines 6-8. Ms. Kimura attests to the fact that this pH adjustment is conventionally done after completion of grain growth. She goes on to attest to the fact that if the sodium

hydroxide were added during nuclear formation and during grain growth, then growth would immediately stop. Thus, based on Ms. Kimura's expertise in the field of silver halide materials, she is of the opinion that the clear teaching of Example 3 of Arai is that the tetrazaindene is added after grain growth.

Thus, Applicants have submitted evidence to prove that a proper reading of Arai is that the tetrazaindene is added after grain growth.

The second comment by the Examiner is that the Declaration is unclear as to how the material R105 was made. In response to this comment, Paragraph 4 of Ms. Kimura's Declaration goes into more detail on the specific steps that were employed. Specifically, silver halide grain B was prepared as taught in Example 3 of Arai in the first paragraph. Next, organic fatty acid silver Emulsion B was prepared as recited in the second and third paragraph of Example 3 of Arai, then the support of polyethylene tetrphthalate received a back coating where the back coating composition is that taught at the bottom of Column 54 and the coating is applied in the manner as taught in the bottom paragraphs of Column 54. A light-sensitive layer B is applied on the opposite side to the back coated side of the support. The light-sensitive layer B is made up of components

in the amounts as taught in the Table in the middle of Column 55 of Arai. As noted in that Table, a hydrazine compound is employed in the light-sensitive layer. Ms. Kimura chose Compound R-I-5 as taught in Table 1 of Arai because the compound of R-I-5 is closest to Formula (1) as used in the present Invention. Thus, Ms. Kimura believes that this would be the closest prior art to the present Invention.

Finally, a protective layer using the coating as recited in the top of Column 56 was applied. This material was then tested in accordance with the Application to obtain the ratio of S_B/S_A . It is believed that this further explanation provided by Ms. Kimura clarifies how the material of R105 was prepared.

The third comment by the Examiner is that the data in the Application is inconsistent with the data in the Declaration because Emulsions 1-3 of this Application contain metal dopants inside the silver halide grains and produced a sensitivity within the claimed range while the material of R105 also contained metal dopant inside the grain but produced a sensitivity outside the claimed range. The Examiner requested clarification of this point.

First, it is noted that Emulsion 3 of this Application contained both metal dopants and an organic dopant inside the grain, while Sample R105 contained only metal dopants inside the grain and an organic dopant outside the grains.

Second, with respect to Emulsions 1 and 2, these did contain only metal dopants inside the grain like Sample R105; however, Emulsions 1 and 2 were prepared in a different manner than the emulsion used in Sample R105. Because of the different preparation, the material R105 did not have a sensitivity within the claimed range.

Furthermore, it will be noted that Emulsions 1 and 2 are no longer within the claimed range since the claims have been amended to specify that the dopant is an organic compound having a chalcogen or nitrogen therein.

In any event, as explained by Ms. Kimura in Paragraph 5, the different ways that the emulsion of Sample R105 was prepared versus the way Emulsions 1 and 2 were prepared, results in the different sensitivities that are produced by their respective materials.

In view of the foregoing, it is respectfully submitted that Applicant's data as previously presented in Ms. Kimura's Declaration of July 7, 2006, proves that Arai's material does not teach or suggest the material of the present Invention because, it does not contain an organic dopant which is added either at nucleus formation or during grain growth; and Arai's material does not meet the sensitivity value as recited in the claims. On both of these grounds, Applicants respectfully submit that the claims, as presented herein, are patentable over Arai.

With respect to the secondary reference of Maeda, Maeda does not teach or suggest an organic dopant inside the grain and, therefore, it is respectfully submitted that the claims are patentable over the references taken alone or in combination.

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are

hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Executed Declaration of Ms. Soc Man Ho Kimura